

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:11-CR-246-FL-2

UNITED STATES OF AMERICA

v.

MARK ANTHONY WATKINS

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**ORDER**

On October 17, 2014 defendant Mark Anthony Watkins ("Watkins"), appearing *pro se*, filed a motion for sentencing transcripts [D.E. 53]. Watkins states that he is indigent and without the funds to pay for the transcripts. He is requesting the sentencing transcripts at no cost so that he can pursue an appeal.


Section 753(f) of Title 28, United States Code, governs the issue of transcript requests by indigent criminal defendants. Section 753(f) provides in pertinent part:

Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. 28 U.S.C. §753(f).

A review of the record confirms that Watkins has not filed a notice of appeal. As such, there

can be no certification from the trial judge that the appeal is not frivolous and the transcript is needed to decide the issue presented by the appeal. A free transcript is not available to defendants who wish to "comb the record in the hope of discovering some flaw." *United States v. Glass*, 317 F.2d 200, 202-203 (4th Cir. 1963). Accordingly, Watkins' motion for sentencing transcripts is DENIED WITHOUT PREJUDICE.

SO ORDERED. This 14<sup>th</sup> day of November, 2014.

for   
Julie A. Richards  
Clerk of Court